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Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
(HONORABLE LONNY R. SUKO)

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

KEVIN ELLISON,)

Defendant.)

CR-12-072-LRS

MOTION TO MODIFY RESTITUTION
PAYMENTS

TO: MICHAEL C. ORMSBY, UNITED STATES ATTORNEY
AINE AHMED, ASSISTANT UNITED STATES ATTORNEY

Counsel for KEVIN ELLISON, Amy H. Rubin for the Federal
Defenders of Eastern Washington and Idaho, respectfully moves the
Court modify Mr. Ellison's monthly restitution payments. Specifically,
Mr. Ellison requests the Court reduce the amount of restitution he pays
from \$400 per month to \$300 per month.

CASE BACKGROUND

On June 14, 2012, Mr. Ellison appeared on a Complaint before
Magistrate Judge Imbrogno. On June 19, 2012, the grand jury returned
a one-count Indictment charging Mr. Ellison with Malicious Use of Fire
to Damage Property Used in Interstate Commerce in violation of 18

MOTION TO MODIFY

1 U.S.C. § 844(I). The government moved for Mr. Ellison's detention and
2 the motion was granted.

3 On August 10, 2012, this Court granted Mr. Ellison's uncontested
4 Motion for Transfer. Mr. Ellison was transported from Spokane County
5 Jail to Eastern State Hospital as a prison of the United States Marshals
6 Service. Mr. Ellison was in custody at Eastern State Hospital until
7 November 9, 2012 when he was transported back to Spokane County Jail
8 awaiting the hearing scheduled for November 15, 2012.

9 On November 9, 2012, the parties filed a Joint Motion to Continue
10 the trial in this matter. The parties appeared before the Court on
11 November 15, 2012 to address the Motion to Continue. The Court
12 granted the parties joint motion and continued this matter until
13 November 2015. Mr. Ellison was released on conditions of pretrial
14 release and was also ordered to pay restitution in the amount of \$400
15 per month. [ECF Doc. 66].

16 **REQUEST FOR MODIFICATION**

17 Mr. Ellison seeks to have the restitution amount reduced from \$400
18 per month to \$300 per month. The Order entered on November 15, 2012
19 specifically states that "the amount paid each month shall be not less
20 than \$400.00 unless modified by this Court."

21 Mr. Ellison is currently employed with Walmart earning
22 approximately \$450.00 every two weeks. Thus, Mr. Ellison earns
23 approximately \$900.00 per month. His monthly expenses are the
24

1 following:

2	Car payment	\$275.00
3	Insurance	\$107.00
4	Student Loan	\$50.00
5	Restitution	\$400.00
6	Total	\$832.00

7 The expenses listed above do not factor in food, gas, contributions
8 towards his parents' bills for allowing Mr. Ellison to reside with them
9 and everyday expenses.

10 Mr. Ellison is actively looking for another job that would provide
11 more income and more hours. However, at this point he has not found
12 another job. He is hopeful that he will be able to get back into coaching
13 football in the spring. It is very difficult for Mr. Ellison to pay the
14 restitution with the income that he is earning. Mr. Ellison is seeking to
15 have the Court modify his restitution and reduce it by \$100.00 per
16 month. Mr. Ellison believes that with the income he is earning at
17 Walmart he will be able to pay the \$300.00 per month and also
18 contribute to his other bills.

19 Mr. Ahmed has been contacted regarding this request and has no
20 objection to the request.

21 CONCLUSION

22 Based on the foregoing, Mr. Ellison respectfully requests the Court
23 modify his conditions of release and reduce his restitution payment from

1 \$400.00 per month to \$300.00 per month. Mr. Ellison does not request a
2 hearing on the matter but is available should the Court determine a
3 hearing is appropriate.

4
5 Dated: December 24, 2013

6 Respectfully Submitted,

7 s/ Amy H. Rubin
8 GA 618349
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11 Eastern Washington and Idaho
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